



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/134,854	08/14/1998	DAVID MILLER	97482	8543

7590 03/26/2002

MARK R
KIRKPATRICK & LOCKHART
1500 OLIVER BUILDING
PITTSBURGH, PA 15222

EXAMINER

DEXTER, CLARK F

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 03/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/134,854

Applicant(s)
Miller et al.

Examiner
Clark F. Dexter

Art Unit
3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 7, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 14-18, 20-23, 74-79, 83, and 84 is/are pending in the application.
- 4a) Of the above, claim(s) 74-78 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 14-18, 20-23, 79, 83, and 84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

Art Unit: 3724

DETAILED ACTION

Request for Continued Examination

1. The Request for Continued Examination (RCE) under 37 CFR 1.114 filed on January 7, 2002 is acceptable and an RCE has been established. An action on the RCE follows.
2. The preliminary amendment filed January 7, 2002 has been entered. It is noted that in view of the new amendment practice under 37 CFR 1.121 which became mandatory for all amendments on March 1, 2001, and due to the limited amount of examining time per application, if the amendment contains changes to existing language that requires a marked-up version showing those changes, the Examiner is relying upon the marked-up version(s) for examination of the application. It is applicant's responsibility to ensure that the clean version(s) is (are) the same as the marked-up version(s). It is further noted that the clean version(s) is (are) considered to be the Official version(s).

Claim Rejections - 35 USC § 112

3. Claims 1-8, 14-18, 20-23, 79, 83 and 84 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4, structural cooperation is not sufficiently set forth for the workpiece guide, particularly with respect to the work surface; in lines 13-14, the recitation "structured for

Art Unit: 3724

selectively adjusting an elevation of said infeed extension relative to said work surface” renders the claims vague and indefinite and appears to render the claims incomplete since the adjustment mechanism, as disclosed, requires a rail against which to provide the adjustment and such a rail is not claimed.

In claim 2, lines 2-3, the recitation “a first and second side wall” renders the claim vague and indefinite as to what disclosed structure it refers, particularly in view of the recitation of a guide surface in claim 1.

In claim 3, line 3, the recitation “a rail attached to the cutting device” is vague and indefinite, particularly since it is not clear if the rail is being set forth as part of the claimed invention or is being recited as simply a functional recitation of intended use, and since the rail as disclosed is part of the cutting device and thus it is not clear how the rail can be both part of and attached to the cutting device.

In claim 7, line 2, the recitation “a respective of” is awkward and vague, and it seems that --one-- should be inserted before “of” or the like.

In claim 8, line 2, the recitation “a respective of” is awkward and vague, and it seems that --one-- should be inserted before “of” or the like.

In claim 15, line 6, structural cooperation is not positively set forth for the infeed extension, particularly with respect to the fence body, and it is suggested in line 6 to insert --attached to said fence body-- after “extension” or the like; in line 9-10, structural cooperation is lacking for “an adjustment mechanism”; in lines 10-11, the recitation “structured for selectively

Art Unit: 3724

adjusting an elevation of said infeed extension relative to said work surface” renders the claim vague and indefinite since sufficient structure (e.g. structural cooperation for the adjustment mechanism) has not been set forth to perform such a function.

In claim 18, line 2, structural cooperation is not sufficiently provided for “at least one bracket member”, particularly with respect to the infeed rail.

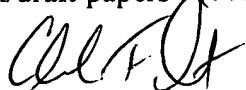
Prior Art

4. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner’s typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cfid
March 25, 2002